

Brussels, 23 March 2011,

Dear Sir, Madam,

Subject: complaint regarding an illegal landfill of solid waste in Sintra, Portugal

I, Ana Gomes, Portuguese Member of the European Parliament, hereby submit a complaint regarding a monstrous illegal deposit of waste in the Carregueira mountain range (Serra da Carregueira) in the Submunicipality of Belas, Council of Sintra, Portugal - a Council where many other illegal deposits proliferate.

I do it also in my capacity of a Sintra Municipal Council Member, without executive functions, and as a resident in the Municipality of Sintra.

For over a decade, there has been regular disposal of tons of inert and solid waste in a non-licensed open sewer in Serra da Carregueira. Several trucks proceed daily with the unload of these solids, whose origin I ignore.

The continuous disposal of waste has had a serious detrimental impact on the environment. Particularly, the landscape has been hopelessly altered: a valley has turned into a hill. Moreover, the direct infiltration of leaks in the soil is likely to cause contamination of the groundwater, with probable damage to public health in the region. The existence of such accumulation of waste is also threatening the living conditions of several animal species which use the Carregueira mountain range as their natural habitat.

Together with other socialist Members of the City Council in Sintra, since 2009 I have persistently called for action from the competent municipal and national authorities to prevent further disposal of waste, restore the natural conditions and report this situation in order to proceed with the criminal investigation of the persons and entities responsible for the management and transport of the waste. However, none of the actions taken in this regard, either from the City Council, GNR (Guarda Nacional Republicana), the local Police, the Ministry of Environment, the SEPNA (Serviço de Protecção da Natureza e do Ambiente) and the CCDR-LVT (Comissão de Coordenação e Desenvolvimento Regional de Lisboa e Vale do Tejo) has proved to be effective in preventing the continuing disposal of waste and enforcing the law.

For some years, the operators of the illegal deposit of waste could claim a license issued by the Ministry of Economy (in 4 June 2003) to operate a gravel pit (see attached documentation). However, a gravel pit operation was never carried out in that place, which, instead, continued to be used as an illegal deposit of waste.

Thanks to the persistent action of the Socialist Council Members elected in 2009 with the relevant national authorities, and the support of the CCDR-LVT, the Ministry of Economy (in 18 November 2010) revoked that license.

However, nothing else has happened, as a huge mountain of illegal deposits continues to occupy a natural area which ought to be protected.

Thus, I call for an investigation from the European Commission, given its responsibility under Article 17 (1) of the Treaty on European Union to ensure that both the Treaty on European Union and the Treaty on the Functioning of the European Union as well as measures adopted pursuant to them are correctly applied.

In this regard, I would like to submit a non-exhaustive list of provisions contained in European legal instruments which, I believe, are being consistently breached by the operation of this illegal landfill for years and by the inability of the Portuguese authorities to prevent it, to

punish exemplarily the operator and to force him to restore the previous natural conditions, as much as possible:

- Article 4 (1) (b) (i) of the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;

- Article 6 (1) (b) of the Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration;

- Articles 4, 9, 12 and 14 of the Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste;

- Article 5 of the Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law.

On the basis of these legal instruments and evidence that the authorities in Portugal have not been able to comply with the provisions therein, I ask the European Commission to proceed with an investigation and press the authorities to ensure the enforcement of the law.

Finally, I express my availability to collaborate and provide any kind of clarification regarding the situation I have described.

I herewith enclose relevant photographs of the illegal landfill and relevant documents, namely one produced by the City Council of Sintra at my request, which reports the proceedings taken by several public authorities in Portugal throughout the years to put an end to the disposal of waste in the Carregueira mountain range, without success.

Best regards,
Ana Gomes
Member of the European Parliament